

**Dox Automotive Supply, Inc., and its Trustee in Bankruptcy, Sheila Solomon and Local 299, International Brotherhood of Teamsters, AFL-CIO.<sup>1</sup> Case 7-CA-30466**

October 25, 1991

**DECISION AND ORDER**

BY CHAIRMAN STEPHENS AND MEMBERS  
DEVANEY AND OVIATT

On March 19, 1991, the National Labor Relations Board issued an Order in this proceeding,<sup>2</sup> in which it ordered the Respondent, Dox Automotive Supply, Inc., to make its employees whole for the losses they suffered as a result of the Respondent's unfair labor practices. A controversy having arisen over the amounts due under the Board's Order, the Acting Regional Director for Region 7, on June 25, 1991, issued and caused to be served on the Respondent and its Trustee in Bankruptcy a compliance specification and notice of hearing alleging the amounts due under the terms of the Board's Order and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.<sup>3</sup>

On August 26, 1991, the General Counsel filed with the Board Motions to Transfer Case to the Board and for Default Summary Judgment, with Exhibits attached. On August 29, 1991, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent did not file a response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

On the entire record, the Board makes the following

**Ruling on Motion for Default Summary Judgment**

Section 102.56 of the Board's Rules and Regulations provides that if an answer is not filed within 21 days

from the service of the compliance specification, the Board may find the allegations of the specification to be true and enter an appropriate order. According to the uncontroverted allegations in the Motion for Default Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file a timely and proper answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and we grant the General Counsel's Motion for Default Summary Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment of that amount by the Respondent to the discriminatees.

**ORDER**

The National Labor Relations Board orders that the Respondent, Dox Automotive Supply, Inc., and its Trustee in Bankruptcy, Sheila Solomon, Detroit, Michigan, its officers, agents, successors, and assigns, shall make whole the discriminatees named below, by paying them the amounts following their names, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws:

Gilda Bake	\$124
Walter Carver	124
Marie Cavender	124
Clara Cucinella	124
Karen Faucher	124
Jill Harris	124
Kathy Hotzclaw	124
Sanford Korby	124
Edward Korczynski	124
Ronald Krekyger	124
Tom Mac	124
Frederick McClendon	124
Dorothy Paterson	124
Evelyn Patterson	124
Homer Robinson	124
Angels Salveta	124
Paul Simoneau	124
Psalms Smith	124
Ron Sullivan	124
Shirley Tapia	124
Willis Taylor	124
Vanness Walker	124
Tony Watts	124

<sup>1</sup> The name of the Charging Party has been changed to reflect the new official name of the International Union.

<sup>2</sup> The Board's Order was not included in bound volumes.

<sup>3</sup> In response to the compliance specification, counsel for the Respondent's trustee sent a letter dated June 26, 1991, to the Regional Office, which asserted that no portion of the Board's retroactive wage award to the debtor's employees is a "wage priority" under § 507 (a)(3) of the Bankruptcy Code. Counsel for the Respondent's trustee further contended that the Board could not bind the Bankruptcy Court on the issue of the priority of the claim. Thereafter, by certified and regular mail dated July 25, 1991, the Regional Office again notified the Respondent and the Respondent's trustee of the obligation to file an answer and advised that unless an answer was filed by August 8, 1991, a Motion for Default Judgment would be filed.